

VIOLATION OF SUPERVISION PROCEEDINGS MINUTE SHEET

		Time In/Out:	10:08am – 10:32am	Court Time:	24 minutes	
			Date:	1/8/2024		
	Cr. No.	13-3747 WJ	USA v.	Brian Acuna		
		The Honorable	William P. Johnson			
Clerk/Law Clerk:		Richard Garcia/None		Court Reporter:	M. Loughran	
Defendant:		Present		Defendant's Counsel:	Richelle Anderson	
AUSA:		Rachel Eagle		Probation Officer:	Nathan Montano	
VSR Held:		Albuquerque, NM		Interpreter:	N/A	

ADMISSION OR DENIAL OF PETITION'S ALLEGATIONS

X	Court questions Defendant regarding voluntary nature of admission. Court finds Defendant competent to proceed Court advises Defendant of his/her rights Court advises / confirms Defendant is aware of charges and possible penalty: Defendant admitted violation(s) at prior hearing on 12/13/2023: failed to notify the probation officer of any change in address; failed to obtain permission of probation officer to travel outside the District of NM; failed to notify probation officer of contact/arrest by law enforcement; committed another federal, state, or local crime - Court takes Judicial Notice of Texas convictions re unlawfully possession of a controlled substance and failure to refrain from the use of a controlled substance.
X	Proceed to sentencing. Violation Report WAIVED / NOT WAIVED Other:

SENTENCE IMPOSED

Supervision imposed:		Imprisonment:	18 months	Supervised Release:	48 months; if the Defendant is compliant and doing well at the 36-month stage, he may request early release from his term of supervision.
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SPECIAL CONDITIONS

X	Must participate in an outpatient substance abuse treatment program. Must submit to substance abuse testing of not more than 60 tests a year. Must not use or possess alcohol. Testing shall not exceed 4 tests per day. No psychoactive substances. No drug paraphernalia. Must participate in mental health treatment program. Must waive right of confidentiality. Must participate in educational/vocational program. Must Submit to search. Must not communicate with co-defendants or co-conspirators. Must reside in a residential reentry center for a term of (up to) 6 months.
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OTHER

X	ADVISED OF Appeal Rights
X	HELD IN CUSTODY

X	Recommended place of incarceration: FCI Big Spring, TX
NOTES:	<p>Ms. Anderson notes that, since the last hearing, her client has withdrawn his application to attend the Delancy Street program and move to sentencing.</p> <p>Ms. Eagle addresses the Court; concurs with Probation's recommendation for a low end of the sentencing guideline range and would encourage him to attend Delancy Street program upon release.</p> <p>PO recommends 27 months custody to be followed by 36 months of supervised release.</p> <p>Ms. Anderson addresses the Court on behalf of her client; request a custody term of 9 months; would request the Court not sentence her client to a term around 10 or 11 months because he will not get good time credit while incarcerated.</p> <p>Defendant addresses the Court.</p> <p>The Court notes the Defendant admitted to violations at prior hearing on 12/13/2023 and process to sentencing; notes Grade A violations with a criminal history category of II, resulting in a sentencing range of 27 to 33 months; Court varies downward to a term of 18 months.</p>